

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AUTOMOTIVE TECHNOLOGIES)	
INTERNATIONAL, INC.,)	
)	
Plaintiff,)	
)	
vs.)	C.A. No. 06-187 GMS
)	
AMERICAN HONDA MOTOR COMPANY, et al.)	
)	
Defendants.)	
_____)	

**PLAINTIFF’S ANSWERS TO AMERICAN HONDA
MOTOR CO., INC.’S COUNTERCLAIMS**

For its Answers to American Honda’s Counterclaims, ATI states as follows:

1. This Court has jurisdiction over these Counterclaims pursuant to Rule 13, Fed. R. Civ. P. Jurisdiction in this Court also is proper pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202. Venue is proper for these Counterclaims because ATI elected this forum for suit and pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Pursuant to 28 U.S.C. § 1404(a), venue is also proper in the United States District Court for the Eastern District of Michigan.

ANSWER:

ATI admits that this Court has jurisdiction over this matter, and that venue is proper in this District. ATI denies that venue is proper in the United States District Court for the Eastern District of Michigan.

2. An actual controversy exists between the parties as to the asserted infringement, validity, and enforceability of the ATI Patents.

ANSWER:

ATI admits there is a controversy, but denies that the subject patents are invalid and/or unenforceable.

3. An actual controversy exists between the parties as to the asserted infringement, validity, and enforceability of U.S. Patent No. 6,950,022 ("the '022 Patent"). ATI asserted the infringement, validity and enforceability of the '022 Patent in the Complaint and removed the assertions based on the '022 Patent in the First Amended Complaint.

ANSWER:

ATI denies there is presently a controversy between the parties as to the subject matter of this Complaint and the applicability of the '022 Patent, as that patent is not asserted in ATI's Amended Complaint.

FIRST COUNTERCLAIM

DECLARATION OF NONINFRINGEMENT OF THE ATI PATENTS

3[sic]. Honda repeats and re-alleges the allegations of paragraphs 1 through 2 of these Counterclaims.

ANSWER:

ATI repeats and realleges its responses to Paragraphs 1 and 2 to this Counterclaim.

4[sic]. Honda has not infringed and is not infringing, either directly, contributorily, or by active inducement, any claim of the ATI Patents.

ANSWER:

Denied.

SECOND COUNTERCLAIM

DECLARATION OF INVALIDITY OF THE ATI PATENTS

5[sic]. Honda repeats and re-alleges the allegations of paragraphs 1 through 2 of these Counterclaims.

ANSWER:

ATI repeats and realleges its responses to Paragraphs 1 and 2 to this Counterclaim.

6[sic]. The ATI Patents are invalid and void for failure to comply with the requirements of Title 35, United States Code, including, but not limited to, §§ 102, 103, and 112.

ANSWER:

Denied.

THIRD COUNTERCLAIM

DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO. 6,950,022

7[sic]. Honda repeats and re-alleges the allegations of paragraphs 1 and 3 of these Counterclaims.

ANSWER:

ATI repeats and realleges its responses to Paragraphs 1 and 3 to this Counterclaim.

8[sic]. Honda has not infringed and is not infringing, either directly, contributorily, or by active inducement, any claim of the '022 Patent.

ANSWER:

ATI is not alleging infringement of the '022 Patent in this action. To the extent Honda asserts an intention to litigate whether it infringes the '022 Patent, there is no present controversy between the parties regarding the '022 Patent, and therefore there is no federal court subject matter jurisdiction. Subject to the foregoing, Honda is to be put to its proofs as to whether it is not infringing any claim of the '022 Patent.

FOURTH COUNTERCLAIM
DECLARATION OF INVALIDITY OF U.S. PATENT NO. 6,950,022

9[sic]. Honda repeats and re-alleges the allegations of paragraphs 1 and 3 of these Counterclaims.

ANSWER:

ATI repeats and realleges its responses to Paragraphs 1 and 3 to this Counterclaim.

10[sic]. The '022 Patent is invalid and void for failure to comply with the requirements of Title 35, United States Code, including, but not limited to, §§ 102, 103, and 112.

ANSWER:

ATI repeats and realleges its response to Paragraphs 1, 3 and 8 to this Counterclaim. Subject to the foregoing, denied.

EXCEPTIONAL CASE

ATI's attempt to read the claims of the ATI Patents on the activities and products of Honda makes this case exceptional under 35 U.S.C. § 285.

ANSWER

Denied.

PRAYER FOR RELIEF

WHEREFORE, Honda prays for a judgment:

- a) dismissing ATI's First Amended Complaint with prejudice;
- b) declaring that Honda has not infringed any claim of the ATI Patents and the '022 Patent;
- c) declaring that the ATI patents and the '022 Patent are invalid;
- d) adjudging this case to be an exceptional case pursuant to 35 U.S.C. § 285, and awarding Honda its costs and attorneys' fees; and
- e) granting such other and further relief as the Court may deem just and proper.

ANSWER

- a) That Defendant's request be denied.
- b) That Defendant's request be denied.
- c) That Defendant's request be denied.
- d) That Defendant's request be denied.
- e) That ATI be granted all of the relief requested by ATI in the Amended Complaint.

ATI AFFIRMATIVE DEFENSES

1. That there presently is no case or controversy as to the '022 patent, and that there is accordingly no jurisdiction over Defendant's claims based thereon.
2. That Defendant fails to state a claim for alleged invalidity, as there is no factual basis whatsoever set forth supporting alleged invalidity.
3. That Defendant fails to state a claim for alleged unenforceability, as there is no factual basis whatsoever set forth supporting alleged unenforceability.

Dated: July 3, 2006

/s/ Richard K. Herrmann
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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of July, 2006, I electronically filed the foregoing document, **PLAINTIFF'S ANSWERS TO AMERICAN HONDA MOTOR CO., INC.'S COUNTERCLAIMS**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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Additionally, I hereby certify that on the 3rd day of July, 2006, the foregoing document was served as indicated on the following non-registered participants:

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